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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/625,194	07/23/2003	Thomas P. Coen	2024729-7014395001	1248
7590	08/09/2005		EXAMINER	
Bingham McCutchen LLP Suite 1800 Three Embarcadero Center San Francisco, CA 94111-4067			FLANAGAN, BEVERLY MEINDL	
			ART UNIT	PAPER NUMBER
			3739	

DATE MAILED: 08/09/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

TAL

## Office Action Summary

Application No.

10/625,194

Applicant(s)

COEN ET AL.

Examiner

Beverly M. Flanagan

Art Unit

3739

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 31 May 2005.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 36-55 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 36-55 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

BEVERLY M. FLANAGAN  
PRIMARY EXAMINER

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Entry of Amendment***

The amendment filed May 31, 2005 has been entered and made of record.

### ***Previously Set Forth Rejections and Indicated Allowability***

The 35 U.S.C. § 102(b) rejection of claims 36, 38, 42, 48-51, 54 and 55 as being anticipated by Hluchy (U.S. Patent No. 5,688,222) is hereby *withdrawn*. The 35 U.S.C. § 103(a) rejection of claims 46 and 52 as being unpatentable over Hluchy (U.S. Patent No. 5,688,222) in view of Muller (U.S. Patent No. 5,807,240) is hereby *withdrawn*.

The indicated allowability of claims 37, 39-41, 43-45, 47 and 53 is *withdrawn*.

**The following new grounds of objection and rejection are set forth:**

### ***Claim Objections***

Claim 51 is objected to because of the following informalities: Claim 51 should depend from claim 50, as the "one or more fluid exit ports" are recited in claim 50, not claim 49. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 36-39 and 42-55 are rejected under 35 U.S.C. 102(b) as being anticipated by Panescu et al. (U.S. Patent No. 5,735,846).

**In regard to claims 36, 38, 39, 42, 43, 45-55**, Panescu et al. teach an ablation catheter 14 including a handle 20, a flexible catheter body 22 and a catheter distal section 24 that carries an electrode 16 (see Figure 1A). The handle 20 encloses a steering mechanism 26 for the catheter tip 24 and left and right steering wires 34 extend through the catheter body 22 to interconnect the steering mechanism 26 in the handle 20 (see Figure 2A and col. 4, lines 59-65). Panescu et al. also teach an exterior sleeve 60 that surrounds the catheter body 22 forming a circumferential space that is compartmentalized by dividers 62 into multiple, circumferentially spaced lumens 64, where the number of lumens can vary (see Figure 3B and col. 6, lines 15-22). The proximal end of sleeve 60 communicated with a connection port 44 on the handle 20 and the lumens 64 simultaneously conduct cooling medium supplied to the connection port 44 by a source 50 via the supply line 54 and in-line pump 56 (see col. 6, lines 23-27). The distal end of sleeve 60 opens along the exterior sidewall of the electrode 16 and the lumens 64 discharge the cooling medium along the periphery of the electrode 16 to cool it, in a substantially distal direction (see Figure 3A and col. 6, lines 27-30). **In regard to claim 37**, Figure 3A shows that, as broadly as claimed, the inner surface of the distal end of sleeve 60 substantially forms a seal with an outer surface of the catheter distal section 24. **In regard to claim 44**, Panescu et al. teach the use of

cooling media having different characteristics through the multiple lumens 64 (see col. 6, lines 36-65).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 40 and 41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Panescu et al. (U.S. Patent No. 5,735,846) in view of Adair (U.S. Patent No. 5,792,045).

In regard to claims 40 and 41, Panescu et al. are silent as to a locking mechanism for axially fixing the catheter 20 relative to the sleeve 60. However, Adair discloses a sterile coupler 100 for a surgical instrument having a mount 104 that includes an annular flange 106 that engaged with a locking ring 114 (see Figure 16). Adair thus demonstrates that annual locking mechanisms for coupling a surgical instrument to another device, such as a coupler 100 or a sleeve, are well known in the art, for the desired features of prohibiting movement between the two elements. Accordingly, it would have been obvious for one of ordinary skill in the art at the time the invention was made to provide the sleeve 60 and catheter 20 of Panescu et al. with an annular flange and locking ring 114, as disclosed by Adair, for the purpose of inhibiting movement between the sleeve 60 and the catheter 20.

***Response to Arguments***

Applicant's arguments with respect to claims 36-55 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

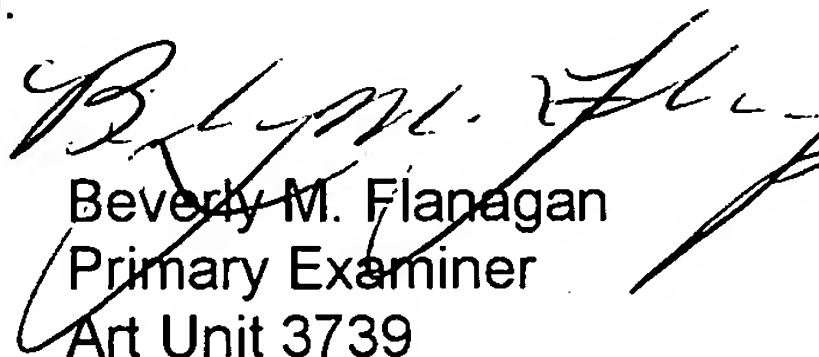
Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Beverly M. Flanagan whose telephone number is (571) 272-4766. The examiner can normally be reached on Mondays, Tuesdays and Thursdays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Linda C.M. Dvorak can be reached on (571) 272-4764. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Beverly M. Flanagan  
Primary Examiner  
Art Unit 3739

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